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6 Attorneys for *Defendant UPSTART NETWORK, INC.*

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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 DAVID KRUEGER,  
11 Plaintiff,  
12 v.  
13 TRANSUNION, LLC; UPSTART NETWORK,  
14 INC.,  
15 Defendants.

Case No.: 3:23-cv-02188-CRB

**STIPULATION FOR DISMISSAL OF  
ACTION WITH PREJUDICE PURSUANT  
TO FEDERAL RULE OF CIVIL  
PROCEDURE 41(a)(1)(A)(ii)  
ORDER**

*[Filed concurrently with [Proposed] Order]*

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17 This *Stipulation for Dismissal of Action With Prejudice Pursuant to Federal Rule of Civil*  
18 *Procedure 41(a)(1)(A)(ii)* (the “Stipulation”) is entered into by and between *plaintiff* DAVID  
19 KRUEGER (“Plaintiff”), and *defendant* UPSTART NETWORK, INC. (“Upstart,” and together with  
20 Plaintiff, the “Parties”), by and through their respective attorneys of record.

21 **I. RECITALS**

22 A. On May 5, 2023, Plaintiff commenced this action (the “Action”) by filing a Complaint  
23 [Doc. 1] against Upstart.

24 B. Since the filing of the Answer, the Parties have resolved all issues raised in this Action  
25 and therefore desire to dismiss this Action pursuant to the terms of this Stipulation.

26 **II. TERMS**

27 The Parties stipulate as follows:

28 ///

1       1. Plaintiff hereby voluntarily dismisses this Action *with prejudice* pursuant to Federal  
2 Rule of Civil Procedure 41(a)(1)(A)(ii).

3       2. The Parties shall bear their own fees and costs, including all attorneys' fees, incurred  
4 in connection with this action.

5       **IT IS SO STIPULATED.**

6       DATED: October 2, 2023

GALE, ANGELO, JOHNSON & PATRICK, P.C.

8       By: /s/ Joe Angelo (as authorized on 9-29-23)  
9                   JOE ANGELO  
10                   Attorneys for Plaintiff **DAVID KRUEGER**

11       DATED: October 2, 2023

McGLINCHEY STAFFORD

13       By: /s/ Zeeshan Iqbal  
14                   BRIAN A. PAINO  
15                   ZEESHAN IQBAL  
16                   Attorneys for Defendant **UPSTART NETWORK, INC.**

18       **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1**

19       I, Zeeshan Iqbal, attest that the other signatory to this *Stipulation for Dismissal of Action With*  
20 *Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii)* has concurred in the filing of  
21 this document.

22       **McGLINCHEY STAFFORD**

23       By: /s/ Zeeshan Iqbal  
24                   ZEESHAN IQBAL

## PROOF OF SERVICE

I, Carol Rico, declare:

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 18201 Von Karman Ave., Suite 350, Irvine, California 92612.

On October 2, 2023, I served the document(s) described as:

- (1) **STIPULATION FOR DISMISSAL OF ACTION WITH PREJUDICE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii); and**
  - (2) **ORDER APPROVING STIPULATION FOR DISMISSAL OF ACTION WITH PREJUDICE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii)**

as follows:

- BY MAIL:** As follows:
    - FEDERAL** – I deposited such envelope in the U.S. mail at Irvine, California, with postage thereon fully prepaid,
  - BY EMAIL SERVICE as follows:** By email or electronic transmission: Based on any agreement between the parties and/or as a courtesy, I sent the document(s) to the person(s) at the email address(es) listed on the service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
  - BY CM/ECF NOTICE OF ELECTRONIC FILING:** I caused said document(s) to be served by means of this Court's Electronic transmission of the Notice of Electronic Filing through the Court's transmission facilities, to the parties and/or counsel who are registered CM/ECF users set forth in the service list obtained from this Court. Pursuant to Electronic Filing Court Order, I hereby certify that the above documents(s) was uploaded to the website and will be posted on the website by the close of the next business day and the webmaster will give e-mail notification to all parties.
  - FEDERAL:** I declare that I am employed in the office of a member of the State Bar of this Court at whose direction the service was made.

Executed on October 2, 2023, at Irvine, California.



Carol Rico

1 **SERVICE LIST**

2 **USDC, Northern District Case No. 3:23-cv-02188-CRB**  
3 **DAVID KRUEGER v. TRANSUNION, LLC., et al.**  
4 **File # 106575.0066**

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